

MAGISTRATE'S CRIMINAL MINUTES
REMOVALS (RULE 40)

FILED IN OPEN COURT

DATE: 7/28/06 @ 3:44

TAPE: 06-45 @ 27:39

2006 AUG -9 TIME IN COURT: 27 mins

MAGISTRATE E. CLAYTON SCOFIELD III, PRESIDING

ANGELA SMITH DEPUTY CLERK

CASE NUMBER 1:06-cr-115-898AUSA Janice HowardUSPO Steve DormanDEFENDANT'S NAME Benjamin VanburnDEFENDANT'S ATTY Brian MendelsohnType Counsel (circle) Retained CJA FDP Initial appearance hearing held. Defendant informed of rights. ORDER appointing Federal Defender Program attorney for defendant. ORDER appointing _____ attorney for defendant. ORDER defendant shall pay attorney's fees as follows: _____ Defendant WAIVES removal hearing (as to IDENTITY only). WAIVER FILED. Defendant WAIVES preliminary hearing (____ In this district only). WAIVER FILED. Removal hearing set/reset/cont to _____ @ _____. Removal hearing HELD. Order finding Probable Cause. Defendant held to District Court for removal to other district. Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district. Order defendant removed to other district. Commitment issued _____ Miscellaneous: _____BOND/PRETRIAL DETENTION HEARING Government Motion for DETENTION filed. Bond/Pretrial DETENTION hearing held. Pretrial detention hearing set for _____. (In charging district) (VERBAL) Motion to reduce bond GRANTED. (VERBAL) Motion to reduce bond DENIED. Pretrial DETENTION ORDERED. (Written order to follow _____.). BOND SET at \$ 25,000.00. NON-SURETY SURETY/CASH: _____ Property Acceptable: _____ Corporate Surety Only
Combination: _____ SPECIAL CONDITIONS: EM, can work, home otherwise, Brother move in wifft, no firearms, BOND FILED. Defendant RELEASED. BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY. SEE BACK

FILED IN OPEN COURT
U.S.D.C. Atlanta

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUL 25 2006

LUTHER D. THOMAS, Clerk
By: *Angela H. Smith*
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 1:06-MJ-898

BENJAMIN L. VANBUREN

Defendant.

ORDER APPOINTING COUNSEL

Colin Garrett

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the **FEDERAL DEFENDER PROGRAM, INC.**, is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 25th day of July, 2006.

E. Carter S. J.
UNITED STATES MAGISTRATE JUDGE

FILED IN OPEN COURT

U.S.D.C. Atlanta

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

JUL 25 2006

LUTHER D. THOMAS, Clerk
By: *Angela J. Bennett*
Deputy ClerkUNITED STATES OF AMERICA,
vs.
BENJAMIN VANBURENORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT
TO BAIL REFORM ACT

CASE NO: 1:06-MJ-898

Upon motion of the Government, it is **ORDERED** that a detention hearing is set for ¹
 7/28/06 at 2:15 before United States Magistrate Judge E. Clayton Scofield III,
 U.S. Courthouse, Richard B. Russell Building, 18th Floor, Courtroom 1810, 75 Spring Street,
 S.W., Atlanta, Georgia 30303.

Pending this hearing, the defendant shall be held in custody by the United States
 Marshal and produced for the hearing.

Dated at Atlanta, Georgia this 25th day of July 2006.

E. Clayton Scofield
 UNITED STATES MAGISTRATE JUDGE

¹ If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate; or attempt to threaten, injure, or intimidate a prospective witness or juror.

FILED IN OPEN COURT

UNITED STATES DISTRICT COURT U.S.D.C. Atlanta

NORTHERN

DISTRICT OF

JUL 9 5 2006

GEORGIA

LUTHER D. THOMAS, Clerk
By: *Angela H. Smith*

Deputy Clerk

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.

CASE NUMBER: 1:06-MJ-898

BENJAMIN L. VANBUREN

Defendant

CHARGING DISTRICTS

2:06-CR148-WHA

CASE NUMBER:

I understand that charges are pending in the Middle District of Alabama

alleging violation of 21:846: 841(a)(I) and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

 identity hearing preliminary hearing identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.*Ben VanBuren*
Defendant*Bel. Joss*
Defense Counsel*7/25/06*
Date

MAGISTRATE'S CRIMINAL MINUTES
REMOVALS (RULE 40)2006 AUG -9 A 9:49 DATE: 7/25/06 @ 5:59
TAPE: CX-40 @ 587

TIME IN COURT: 7 mins

MAGISTRATE E. CLAYTON SCOFIELD III PRESIDING

ANGELA SMITH DEPUTY CLERK

CASE NUMBER 1:06-MJ-898AUSA Carlie HowardUSPO Steve DormanDEFENDANT'S NAME Benjamin VanburenDEFENDANT'S ATTY Colin GarrettType Counsel (circle) Retained CJA FDP

Initial appearance hearing held.
 Defendant informed of rights.
 ORDER appointing Federal Defender Program attorney for defendant.
 ORDER appointing _____ attorney for defendant.
 ORDER defendant shall pay attorney's fees as follows: _____

Defendant WAIVES removal hearing (as to IDENTITY only). WAIVER FILED.
 Defendant WAIVES preliminary hearing (____ In this district only). WAIVER FILED.
 Removal hearing set/reset/cont to _____ @ _____.
 Removal hearing HELD.
 Order finding Probable Cause. Defendant held to District Court for removal to other district.
 Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district.
 Order defendant removed to other district. Commitment issued _____
 Miscellaneous: _____

BOND/PRETRIAL DETENTION HEARING

^{Verbal} Government Motion for DETENTION filed.
 Bond/Pretrial DETENTION hearing held.
 Pretrial detention hearing set for 7/28/06, C 2:15 PM. (In charging district)
 (VERBAL) Motion to reduce bond GRANTED.
 (VERBAL) Motion to reduce bond DENIED.
 Pretrial DETENTION ORDERED. (Written order to follow _____.)
 BOND SET at \$_____.
 NON-SURETY
 SURETY/CASH: _____ Property Acceptable: _____ Corporate Surety Only
 Combination: _____
 SPECIAL CONDITIONS: _____

 BOND FILED. Defendant RELEASED.
 BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY.
 SEE BACK